

Metropolitan Transportation Commission Programming and Allocations Committee

June 13, 2007

Item Number 5a

Resolution Nos. 3810, 3811 and 3812

Subject: Allocation of Transportation Development Act (TDA), State Transit Assistance (STA) and AB 1107 funding to support transit operations and capital projects.

Background: The Committee's actions this month kick off the annual allocation process. Operators requesting allocations this month that exceed the \$1 million delegated authority limit include AC Transit, County Connection, Golden Gate, Napa County Transportation Planning Agency (NCTPA), Petaluma, Sonoma County Transit, Tri Delta Transit, Vacaville and WestCAT. In addition to the allocations to transit operators, MTC is requesting allocation of \$16 million in STA funds for Regional Coordination projects. The total allocation request detailed in the table below is \$114 million for TDA, \$39 million for STA and \$34 million for AB 1107.

Transit Operator/Claimant	Resolution No. 3810 (TDA)	Resolution No. 3811 (STA)	Resolution No. 3812 (AB 1107)	Total
AC Transit	59,707,566	9,288,137	34,435,000	103,430,703
County Connection	12,574,668	4,324,347		16,899,015
Golden Gate	15,340,798	2,826,254		18,167,052
MTC		15,955,000		15,955,000
NCTPA	4,170,493			4,170,493
Petaluma	1,386,590			1,386,590
Sonoma County Transit	7,106,314			7,106,314
Tri Delta Transit	9,694,556	4,425,415		14,119,971
Vacaville	1,168,812			1,168,812
WestCAT	2,513,436	1,864,421		4,377,857
TOTAL	113,663,233	38,683,574	34,435,000	186,781,807

Staff will provide a briefing at the July meeting on Bay Area transit operators' financial status and any revisions to the fund estimate as a result of final FY 2006-07 revenues and the FY 2007-08 State budget.

Issues: 1) Final FY2006-07 Revenues: Based on MTC staff analysis of actual Board of Equalization sales tax payments through the third quarter, the region is trending about \$6 million less than the February projections for TDA and AB 1107 revenues. The largest differences occur in Alameda, and San Francisco counties. MTC staff will be preparing a revision to the FY 2006-07 Fund Estimate in July in order to reconcile actual payments with estimated revenues. Based on the amount of revenue that is projected to be available through the end of the fiscal year, it is anticipated that some rescissions will be necessary.

2) FY2007-08 State Budget: The fund estimate for State Transit Assistance was based on the Governor's January budget proposal, which redirected spillover funds that would have augmented these transit funds to other General Fund purposes. The Assembly and Senate budget subcommittees rejected this proposal and are proposing a statewide STA funding level of \$619 million compared to the roughly \$185 million level included in the fund estimate. Should the final budget include additional STA funding from spillover revenue, staff will revise the fund estimate to reflect this added revenue.

Recommendation: Refer MTC Resolution Nos. 3810, 3811 and 3812 to the Commission for approval.

Attachments: MTC Resolution Nos. 3810, 3811 and 3812

Date: June 27, 2007
Referred by: PAC

ABSTRACT
Resolution No. 3810

This resolution approves the allocation of fiscal year 2007-08 Transportation Development Act Article 4, Article 4.5 and Article 8 funds to claimants in the MTC region.

Discussion of the allocations made under this resolution are contained in the MTC Operator Summary and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 13, 2007.

Date: June 27, 2007
Referred by: PAC

Re: Allocation of Fiscal Year 2007-08 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3810

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., makes certain retail sales tax revenues available to eligible claimants for public transportation projects and purposes; and

WHEREAS, MTC is responsible for the allocation of TDA funds to eligible claimants within the MTC region; and

WHEREAS, claimants in the MTC region have submitted claims for the allocation of fiscal year 2007-08 TDA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2007-08 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2007-08 TDA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that pursuant to 21 California Code of Regulations Sections 6621 and 6659, a certified copy of this resolution, along with written allocation instructions for the disbursement of TDA funds as allocated herein, shall be forwarded to the county auditor of the county in which each claimant is located.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 27, 2007.

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS
DURING FISCAL YEAR 2007-08

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area/Footnotes
5801 - 99233.7, 99275 Comm Transit Serv- Operations					
AC Transit	Transit Operations	2,973,829		06/27/07	Alameda County
	Subtotal	2,973,829			
5802 - 99260A Transit - Operations					
County Connection	Transit Operations	12,574,668		06/27/07	CCCTA
WestCAT	Transit Operations	2,513,436		06/27/07	WCCTA
NCTPA	Transit Operations	2,719,850		06/27/07	NCTPA
Sonoma County Transit	Transit Operations	7,106,314		06/27/07	Sonoma County Transit
Tri Delta Transit	Transit Operations	9,694,556		06/27/07	ECCTA
AC Transit	Transit Operations	40,442,964		06/27/07	AC Transit D.1 - Alameda
AC Transit	Transit Operations	10,383,203		06/27/07	AC Transit D. 2 - Alameda
AC Transit	Transit Operations	5,907,570		06/27/07	AC Transit - Contra Costa
Golden Gate	Transit Operations	10,333,685		06/27/07	Golden Gate - Marin
Golden Gate	Transit Operations	5,007,113		06/27/07	Golden Gate - Sonoma
	Subtotal	106,683,359			
5807 - 99400C General Public - Operating					
NCTPA	Transit Operations	1,450,643		06/27/07	NCTPA
Vacaville	Transit Operations	1,168,812		06/27/07	Vacaville
Petaluma	Transit Operations	1,386,590		06/27/07	Petaluma
	Subtotal	4,006,045			
		TOTAL	113,663,233		

Footnotes:

Date: June 27, 2007
Referred by: PAC

Attachment B
Resolution No. 3810
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ALLOCATION OF FISCAL YEAR 2007-08
TRANSPORTATION DEVELOPMENT ACT
ARTICLE 4, ARTICLE 4.5 AND ARTICLE 8
FUNDS TO CLAIMANTS IN THE MTC REGION

FINDINGS

The following findings pertain, as the case may be, to claimants to which Transportation Development Act funds are allocated under this resolution.

Transportation Development Act Article 4 Funds

Public Utilities Code § 99268 et seq.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of Public Utilities Code § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (Public Utilities Code §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6633.1, or § 6634; and

5. That pursuant to Public Utilities Code § 99233.7 funds available for purposes stated in TDA Article 4.5 can be used to better advantage by a claimant for purposes stated in Article 4 in the development of a balanced transportation system.

Transportation Development Act Article 4.5 Funds

Public Utilities Code § 99275

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and

2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and

3. That in accordance with Public Utilities Code § 99275.5(c), MTC finds that the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC, responds to a transportation need not otherwise met in the community of the claimant; that the services of the claimant are integrated with existing transit services, as warranted; that the claimant has prepared and submitted to MTC an estimate of revenues, operating costs and patronage for the fiscal year in which TDA Article 4.5 funds are allocated; and that the claimant has submitted a budget indicating compliance with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code § 99268.5 or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and

4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634; and

5. That each claimant is in compliance with Public Utilities Code §§ 99155 and 99155.5, regarding user identification cards.

Transportation Development Act Article 8 Transit Funds

Public Utilities Code §§ 99400(c), 99400(d) and 99400(e)

1. 1 That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 8 funds a budget indicating compliance the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634.

Date: June 27, 2007
Referred by: PAC
Revised:

ABSTRACT

Resolution No. 3811, Revised

This resolution approves the allocation of fiscal year 2007-08 State Transit Assistance funds to claimants in the MTC region.

Discussion of the allocations made under this resolution are contained in the MTC Operator Summaries and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 13, 2007.

Date: June 27, 2007
Referred by: PAC

Re: Allocation of Fiscal Year 2007-08 State Transit Assistance to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3811

WHEREAS, pursuant to Government Code § 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area ; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., provides that the State Controller shall, pursuant to Public Utilities Code Section 99310, allocate funds in the Public Transportation Account (“PTA”) to the MTC region to be subsequently allocated by MTC to eligible claimants in the region; and

WHEREAS, pursuant to Public Utilities Code Section 99313.6, MTC has created a State Transit Assistance (“STA”) fund which resides with the Alameda County Auditor for the deposit of PTA funds allocated to the MTC region; and

WHEREAS, pursuant to Public Utilities Code Sections 99314.5(a) and 99314.5(b), claimants eligible for Transportation Development Act Article 4 and Article 8 funds are eligible claimants for State Transit Assistance funds; and

WHEREAS, eligible claimants have submitted applications to MTC for the allocation of fiscal year 2007-08 STA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2007-08 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, pursuant to 21 California Code of Regulations Section 6754, and MTC Resolution No. 2310, Revised, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2007-08 STA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that, pursuant to 21 Cal. Code of Regs. §§ 6621 and 6753, a certified copy of this resolution, along with written allocation instructions for the disbursement of STA funds as allocated herein, shall be forwarded to the Alameda County Auditor.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 27, 2007.

ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS
DURING FISCAL YEAR 2007-08

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area
5820 - 6730A Operating Costs - Revenue-based					
WestCAT	Transit Operations	1,864,421		06/27/07	BART
Tri Delta Transit	Transit Operations	2,078,639		06/27/07	BART
AC Transit	Transit Operations	3,968,186		06/27/07	AC Transit
AC Transit	Transit Operations	5,319,951		06/27/07	BART
Golden Gate	Transit Operations	2,826,254		06/27/07	Golden Gate
	Subtotal	16,057,451			
5820 - 6730A Operating Costs - Population-based Small Operator					
County Connection	Transit Operations	4,324,347		06/27/07	CCCTA
Tri Delta Transit	Transit Operations	2,346,776		06/27/07	ECCTA
	Subtotal	6,671,123			
5820 - 6730A Operating Costs - Population-based MTC Regional Coordination Program					
MTC	Community-Based Trans. Plans	1,200,000		06/27/07	Regional Coordination
MTC	TransLink®	4,797,000		06/27/07	Regional Coordination
	Subtotal	5,997,000			
5821 - 6730B Capital Costs - Population-based MTC Discretionary					
MTC	Wayfinding Signage & Real Time Display	9,958,000		06/27/07	Regional Coordination
	Subtotal	9,958,000			
	TOTAL	38,683,574			

ALLOCATION OF FISCAL YEAR 2007-08 STATE TRANSIT ASSISTANCE FUNDS
TO CLAIMANTS IN THE MTC REGION

FINDINGS

The following findings pertain, as the case may be, to claimants to which State Transit Assistance funds are allocated under this resolution.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of PUC § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (PUC §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), or with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in PUC §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That each claimant is making full use of federal funds available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act for the 21st Century (SAFETEA), as amended; and
5. That the sum of each claimant's allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6633.1 or § 6634; and

6. That MTC has given priority consideration to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or areawide public transportation needs; and
7. That each claimant has made a reasonable effort to implement the productivity improvements recommended pursuant to PUC § 99244; and
8. That each claimant has submitted to MTC a copy of a certification from the California Highway Patrol verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code (“Pull Notice Program”), as required by PUC § 99251; and
9. That each claimant is in compliance with the eligibility requirements of PUC §§ 99314.6 or 99314.7; and
10. That each claimant has certified that it has entered into a joint fare revenue sharing agreement with every connecting transit operator, and that it is in compliance with MTC’s Transit Coordination Implementation Plan, pursuant to Government Code §§ 66516 and 66516.5, PUC §§ 99314.5(c) and §99314.7, and MTC Resolution No. 3055, Revised.

Date: June 27, 2007
Referred by: PAC

ABSTRACT

Resolution No. 3812

This resolution approves the allocation of fiscal year 2007-08 AB 1107 half-cent sales tax funds to AC Transit

Discussion of the allocations approved under this resolution is contained in the Executive Director memorandum to the Programming and Allocations Committee dated June 13, 2007.

Date: June 27, 2007
Referred by: PAC

Re: Allocation of Fiscal Year 2007-08 "AB 1107" Half-Cent Sales Tax Funds

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3812

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, Public Utilities Code Section 29142.2(b) provides that, after deductions for certain administrative expenses, twenty-five percent (25%) of the proceeds from the one-half cent transactions and use tax collected within the San Francisco Bay Area Rapid Transit District (hereinafter referred as "AB 1107" funds), shall, on the basis of regional priorities established by MTC, be allocated by MTC to the City and County of San Francisco for the Municipal Railway ("Muni") and to the Alameda-Contra Costa Transit District ("AC Transit"), for transit services; and

WHEREAS, Muni and/or AC Transit has submitted a request for the allocation of fiscal year 2007-08 AB 1107 funds for transit service projects and purposes in accordance with the regional priorities established by MTC; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2007-08 allocations requested by Muni and/or AC Transit, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists findings pertaining to the allocations made under this resolution to Muni and/or AC Transit, as the case may be; and

WHEREAS, Muni and/or AC Transit has certified that its projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC finds that the projects and purposes as listed and recorded in Attachment A are in conformance with MTC's Regional Transportation Plan; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2007-08 funds under this resolution to Muni and/or AC Transit, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 27, 2007.

Date: June 27, 2007
Referred by: PAC
Revised:

Attachment A
MTC Resolution No. 3812
Page 1 of 1

ALLOCATION OF AB 1107 FUNDS
DURING FISCAL YEAR 2007-08

Claimant	Project Description	Fare Ratio Percentage FY 06-07	FY 07-08	Allocation Amount	Alloc. Code	Approval Date
AC Transit	Transit Operations	48.50%	47.60%	50% of deposits to MTC's AB 1107 account.	01	06/27/07

Date: June 27, 2007
Referred by: PAC

Attachment B
Resolution No. 3812
Page 1 of 1

ALLOCATION OF FISCAL YEAR 2007-08
AB 1107 FUNDS

FINDINGS

The following findings pertain to the allocation of funds under this resolution to the San Francisco Municipal Railway (Muni) and AC Transit, as the case may be.

	<i>AC Transit</i>
1. In accordance with Public Utilities Code §29142.4(a), the operator is a participating member of the Bay Area Partnership, Partnership Transit Coordinating Committee, established by MTC and which serves the function of a regional transit coordinating council.	YES
2. In accordance with Public Utilities Code §29142(c), the operator has complied with the transit system standards established by MTC pursuant to Government Code §66517.5.	YES
3. In accordance with Public Utilities Code § 29142.5, MTC may consider local support revenues in excess of the operator's base amount as fare revenues, as long as by doing so it will enable the operator to maintain or improve vital transit service within a coordinated fare structure. The audited financials submitted by the claimant for FY 2004-05 and included in the proposed FY 2007-08 budget demonstrate a fare ratio of greater than 33 percent when considering other local excess revenue.	YES